

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ST. PAUL FIRE AND MARINE
INSURANCE CO., et al.,
Plaintiffs,

v.

CV No. 20-79 WJ/CG

SEDONA CONTRACTING, INC., et al.,
Defendants,

MOSAIC POTASH CARLSBAD, INC.,
Third-Party Plaintiff,

v.

ROCKCLIFF OPERATING NEW MEXICO, LLC.
Third-Party Defendant,

MOSAIC POTASH CARLSBAD, INC.,
Cross-Claimant,

v.

SEDONA CONTRACTING, INC.,
Cross-Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S RULE 56(d) MOTION**

THIS MATTER is before the Court on Plaintiff St. Paul Fire and Marine Insurance Company's *Motion Pursuant to Federal Rule 56(d) to Stay Response to Sedona's Motion for Summary Judgment*, (the "Motion"), (Doc. 57), filed September 11, 2020; *Defendant Sedona's Response to Plaintiff's Motion Pursuant to Federal Rule 56(d) to Stay Response to Sedona's Motion for Summary Judgment* (the "Response"), (Doc. 59), filed September 25, 2020; and Plaintiff St. Paul Fire and Marine Insurance Company's *Reply in Support of Plaintiff's Motion Pursuant to Federal Rule 56(d) to Stay Response to Sedona's Motion for Summary Judgment, or Deny Sedona's Motion for Summary Judgment* (the "Reply"), (Doc. 62), filed October 8, 2020. The Court, having considered the Motion, the briefing of the

parties, and the remarks of counsel at a telephonic hearing held on October 15, 2020, finds that the Motion shall be **GRANTED IN PART** and **DENIED IN PART**.

IT IS THEREFORE ORDERED that Plaintiff St. Paul Fire and Marine Insurance Company's *Motion Pursuant to Federal Rule 56(d) to Stay Response to Sedona's Motion for Summary Judgment*, (Doc. 57), is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff St. Paul Fire and Marine Insurance Company's request for limited discovery pursuant to Fed. R. Civ. P. 56(d) is **GRANTED**;
2. Plaintiff St. Paul Fire and Marine Insurance Company's request to depose witnesses Javier Nolasco, Sarah Gonzales, Scott Goodale, Steven Daugherty, and John Anderson is **MOOT** based on the parties' representations at the October 15, 2020 hearing that these witnesses have been deposed;
3. Plaintiff St. Paul Fire and Marine Insurance Company's request to depose each of the four remaining witnesses Manny Guardiola, Raul Barragan, Javier Aguilar, and Catherine Sloan is **DENIED**. Plaintiff may depose only two of these four witnesses. Plaintiff shall depose these two individuals by **Friday, November 6, 2020**.

IT IS FURTHER ORDERED that Plaintiff St. Paul Fire and Marine Insurance Company's response to *Defendant Sedona Enterprises, Inc. Motion for Summary Judgment Against Plaintiff on Count 1 (Negligence) and Based on Lack of Subject Matter Jurisdiction*, (Doc. 49), is due by **Tuesday, November 20, 2020**. Defendant Sedona Contracting, Inc. may file a reply to their motion for summary judgment by **December 3, 2020**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE